

REMARKS

Reconsideration is respectfully requested. Claims 1-10 and 13-26 are now present in the application. No claims are amended.

Claims 1-6, 8-10, 13-18, and 20-26 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Johnson et al (US 2003/0071634). Applicants respectfully traverse.

With regard to the rejection of claim 1, the office action states that Johnson et al shows a toner adapted to generate and supply a tone packet to a cable under test. Applicant respectfully disagrees. There is nothing in Johnson that approaches the concept of a tone packet. Johnson applies a tone and may have the tone have a "cadence" (e.g., a warble, or such). This does not comprise a tone packet and there is nothing in Johnson to appreciate the concept of a tone packet. This is further shown by the rejection of claim 2 (and 14), where the Office Action states that Johnson et al disclose that the tone packet (assuming there was a tone packet in Johnson et al, for purposes of argument, which applicant does not concede) comprises a synchronization portion 31 and a data portion 29, 23. These items are unrelated to a tone packet. There is no tone packet. There is no concept of a tone packet. Item 29 is not a data portion - it is a block in a flow chart showing that the tone probe (which has already detected the tone that Johnson

applied to the cable under test with the tone generator) generates a modulation signal to indicate the strength of the tone. Block 29 has nothing to do with a tone packet, and it has nothing to do with the tone that Johnson applies to the cable. It is a post receiving test step. It is not a tone packet.

Item 31 of Johnson is not a synchronization portion of a tone packet. Item 31 is a post receipt processing modulation block that is taking in 2 signals to generate an output signal tone. It is unrelated to a synchronization portion of a tone packet. It is positioned in the post receipt processing portion of the tone probe. It cannot relate to a synchronization portion of a tone packet. How can it even remotely be said to have anything to do with such concepts? It is a modulation block.

Item 23 referred to in the rejection is not found in Johnson et al. There is no reference number 23.

The various portions of Johnson et al cited in the rejection are not data portions of a tone packet. They are simply blocks in a flow chart showing operation of the Johnson et al device.

The rejection of claim 3 and 15 states that Johnson et al show data portion (29, 23) comprises plural portions providing different testing modes.

There is nothing in Johnson that suggests or teaches this. The document cannot support the rejection. Since Johnson does

not have the concept of packets, it does not have data portions of packets providing different testing modes.

Claims 4 and 16 are rejected over Johnson et al. Applicant cannot find any teaching or suggestion in Johnson et al that would support the rejection of these claims. There is no cable isolate mode nor cable locate mode taught or suggested. The document cannot support rejection of these claims. The teaching or suggestion does not exist.

Further, since Johnson does not have data portions of packets having plural portions providing different testing modes, it cannot be said to meet the wording of claims 4 and 16.

For claims 5, 17, again, these claims depend on claims that recite data portion comprises plural portions providing different testing modes, and that the testing modes include a wire pair test mode. Such a concept is absent from Johnson. Further, there is no mention of wire continuity test in Johnson.

Regarding claims 6 and 18, there is no discussion of wire map mode in Johnson. None. Accordingly the document cannot anticipate claims 6 and 18.

Referring to claims 8 and 9, the office action says that Johnson show a selector for selecting an operation mode. The existence of such is not explicitly recited by Johnson. The office action says that the oscillator must have the selector to select different frequency. To anticipate under section 102, the concept must be explicitly present in the document cited,

which it is not. But even if such a concept was present, it would still be present in a system that does not appreciate or even consider that tone packets would exist or be used.

With regard to claim 10, since claim 10 depends on claim 1, and as noted above, claim 1 is allowable, claim 10 should also be allowable.

Regarding claim 13, the office action states that Johnson et al teach applying a tone packet to a cable. Applicants respectfully traverse. This claim recites applying a tone packet. Johnson discusses applying a tone. Nowhere does it have the concept of a tone packet. Applying a tone is not the same as applying a tone packet. Applying tones, whether with cadence or warble or the like is the prior art, applying an audio frequency voltage signal to a conductor. Applicants' claimed invention provides improvement over this known technology, by use of tone packets, which enable more refined and advanced operation. Johnson et al do not teach or suggest the concept of using tone packets. There is nothing in Johnson et al that relates to the use of packets in applying tones.

With respect to claims 20, 21, Johnson does not mention a carrier signal. The word "carrier" does not appear anywhere in the document. And, still further, even if the term was present in Johnson, there is nothing in the entire document that teaches or suggests a tone packet, let alone a tone packet employing a carrier signal as at least part of the tone packet. Accordingly

the Johnson et al document is not capable of anticipating claims 20 and 21. Where is this concept shown in Johnson et al? It is not. The Office Action does not give any indication of where in Johnson et al such a concept is found. It is submitted that this is because it cannot be found in Johnson et al. As such, Johnson et al cannot anticipate.

With respect to claims 22 and 25, since Johnson et al do not teach or suggest the concept of a carrier signal as part of a tone packet, they cannot teach or suggest turning a carrier signal on and off at an audio frequency. The document does not support the rejection.

Regarding claims 23 and 26, these claims are allowable as depending from allowable claims. Also, since the concept of tone packets is absent from Johnson as is the concept of a carrier as a part thereof, Johnson cannot anticipate the claims.

With regard to claim 24, the office action says that Johnson et al disclose in Fig. 1 that tone packets comprise plural quanta. There is nothing in FIG. 1 that would teach any such concept. The document cannot support the rejection. FIG. 1 is a block diagram of a method. It makes no mention of plural quanta. It is applicants who have taught this. Examples of these plural quanta are discussed in applicants' specification, at the bottom of page 5 (line 24) and following.

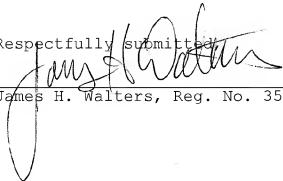
Claims 7 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Johnson et al (US 2003/0071634). Applicants respectfully traverse.

As noted above, the concept of tone packets is absent from Johnson. The concept of a carrier frequency is absent also. Even if it were obvious to use 455 kHz in Johnson for whatever purpose, there is no teaching of any carrier frequency use, so for what purpose would one use the 455 kHz? Further, there is nothing to make up for the lack of tone packets in Johnson.

It is respectfully submitted, that in view of the above, claims 1-10 and 13-26 are not anticipated by, nor suggested by Johnson et al.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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Certification of Electronic Transmission

Appl. No. 10/699,617
Response. dated September 5, 2006
Reply to Office action of May 3, 2006

I hereby certify that this correspondence is being
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